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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,607	07/19/2000	FUMIO NAGASAKA	106365	1439

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EXAMINER
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VAUGHAN, MICHAEL R

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 06/29/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/619,607

Applicant(s)

NAGASAKA, FUMIO

Examiner

Michael R Vaughan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Detailed Office Action**

Claims 1-29 have been fully reconsidered and are pending.

***Response to Amendment***

The amendments made to claim 5 are sufficient to overcome the previous USC §112 rejection. Therefore, the rejection is withdrawn.

***Response to Arguments***

The Examiner acknowledges Applicant's response to the objected specifications. Applicant is correct in stating that no requirement is made of foreign priority. Therefore, Examiner withdraws the specification objection.

Examiner appreciates the Japan translations of the references listed on a prior IDS. Examiner has considered the translations.

Applicant's arguments filed 5-10-04 have been fully considered but they are not persuasive. Applicants argue on page 13 of the immediate action that the Bennett reference fails to disclose "a re-request timing specification unit specifies a timing of re-request of log-in to determine a time when a specific device of interest, which has just

output the request of log-in and received the response of failed log-in should output another request of log-in". The examiner respectfully disagrees and maintains that the Bennett reference teaches this limitation.

Applicant alleges that Bennett basically does not provide any type of condition or order for when a client should try to reconnect. After reconsidering the Bennett patent, Examiner finds support for this in column 2, starting at line 36 through line 57. Bennett explicitly teaches that a chronological order can be determined of clients who fail to log in. A chronological order is a timing response for the clients who fail to log in. This gives the clients some sort of precedence and priority to when they can try to connect to the server at a later time. Bennett teaches that this prevents a "lucky" client from jumping in front of a client who has just been denied access. Therefore Bennett is clearly suggesting giving to the clients an indication of precisely when they may try to connect to the server.

For the reasons listed above, the examiner maintains that the independent claims 1, 14, 18, 19, 21, 23, 24, 26, 27, and 29 are anticipated by the Bennett reference.

***Claim Rejections - 35 USC § 102***

Claims 1-9, 14, 15, 18-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett (USP 5,734,909).

As per claims 1, 21, 24, and 27, Bennett teaches a response unit that gives a response of failed log-in to one specific device of interest, which has just output a request of log-in, when a number of specific devices that currently log in said logged-in device reaches a predetermined allowable number of simultaneous log-in (column 2, lines 30-35 and column 4, lines 21-37); and

a re-request timing specification unit that specifies a timing of re-request of log-in to determine a time when said specific device of interest, which has Just output the request of log-in and received the response of failed log-in, should output another request of log-in (column 2, lines 40-41);

computer readable medium, in which said first program code and said second program code are stored (column 1, lines 33-40).

As per claims 14, 23, 26, and 29, Bennett teaches a log-in request unit that outputs a request of log-in to said specific device and, when receiving a response of failed log-in and a specification of a timing of re-request from said specific device, outputs another request of login to said specific device at the specified timing of re-request (column 2, lines 40-43) and computer readable medium, in which program code is stored (column 1, lines 33-40).

As per claims 18, and 19, Bennett teaches a response unit that gives a response of failed log-in to one specific device of interest, which has just output a request of

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log-in, when a number of specific devices that currently log in said logged-in device reaches a predetermined allowable number of simultaneous log-in (column 2, lines 30-35 and column 4, lines 21-37); and

a re-request timing specification unit that specifies a timing of re-request of log-in to determine a time when said specific device of interest, which has Just output the request of log-in and received the response of failed log-in, should output another request of log-in (column 2, lines 40-41);

each log-in request unit that outputs a request of log-in to said specific device and, when receiving a response of failed log-in and a specification of a timing of re-request from said specific device, outputs another request of login to said specific device at the specified timing of re-request (column 2, lines 40-43).

As per claim 2, Bennett teaches a precedence designation unit that allocates an ordinal number of precedence to said specific device of interest, which has just output the request of log-in (column 2, lines 54-55); and

a re-request timing determination unit that determines the timing of re-request of log-in with regard to said specific device of interest, based on the ordinal number of precedence allocated to said specific device of interest (column 2, line 12).

As per claim 3, Bennett teaches said precedence designation unit allocates ordinal numbers of precedence to said plurality of specific devices in a sequence of outputting first requests of log-in (column 2, line 54).

As per claim 4, Bennett teaches wherein said re-request timing determination unit assigns a shorter timing of re-request of log-in to a specific device having a higher ordinal number of precedence (column 2, lines 54).

As per claim 5, Bennett teaches re-request timing specification unit specifies the timing of re-request of log-in as a time constant that represents a time period to elapse before output of another request of log-in (column 2, lines 42-43).

As per claims 6 and 7, Bennett teaches said logged-in device comprises at least one logical unit, which is independently logged in by each of said plurality of specific devices (column 3, lines 54-55), a response unit that gives a response of failed log-in to one specific device of interest, which has just output a request of log-in, when a number of specific devices that currently log in said logged-in device reaches a predetermined allowable number of simultaneous log-in (column 2, lines 30-35 and column 4, lines 21-37); and

a re-request timing specification unit that specifies a timing of re-request of log-in to determine a time when said specific device of interest, which has Just output the

request of log-in and received the response of failed log-in, should output another request of log-in (column 2, lines 40-41).

As per claims 8, 9, and 15, Bennett teaches said plurality of specific devices are adjusted not to output the request of log-in simultaneously via said predetermined communication path (column 2, line 33).

As per claims 20, 22, 25, and 28, Bennett teaches causing said logged-in device to allocate ordinal numbers of precedence (column 2, lines 54-55) to said plurality of log-in devices in a sequence of outputting first requests of log-in to said certain logical unit (column 2, line 54), and to assign a shorter timing of re-request of log-in to a log-in device having a higher ordinal number of precedence (column 2, lines 54).

***Claim Rejections - 35 USC ' 103***

Claims 10-13, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett in view of Applicants Admitted Prior Art (herein AAPA).

As per claims 10-13, 16, and 17, Bennett teaches a computer system in which clients are logged in until the maximum number has reached (column 1, lines 26-40 and column 4, lines 21-37). Bennett even discloses that one skilled in the art can apply his



teachings to a client environment that contends for shared client resources (column 4, lines 21-24). AAPA discloses a client environment that contends for shared client resources on the IEEE 1394 bus (page 1, line 20) using the proposed standard for that bus, SBP-2 protocol (page 1, lines 16-19). One skilled in the art could have advantageously applied the teachings of Bennett's system to the IEEE 1394, which is a resource that is contended by many clients.

In view of this, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teaching of AAPA within the system of Bennett because the IEEE 1394 bus using the standard protocol SBP-2 is one example of a shared client resource which is contended by clients and would benefit from Bennett's teachings of sharing the resources among clients fairly. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Vaughan whose telephone number is 703-305-0354. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael R Vaughan  
Examiner  
Art Unit 2131

MV

  
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